

SENATE BILL 311

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HB 1279/98 - JUD

2003 Regular Session
3r1256
CF 3r0990

By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates - Appointment of Personal Representatives**

3 FOR the purpose of establishing that certain individuals are entitled to probate;
4 authorizing the court and register of wills to grant letters to certain persons
5 under certain circumstances; providing for the application of this Act; and
6 generally relating to appointment of a personal representative.

7 BY repealing
8 Article - Estates and Trusts
9 Section 5-106
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2002 Supplement)

12 BY adding to
13 Article - Estates and Trusts
14 Section 5-106
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Estates and Trusts**

20 [5-106.

21 (a) When there are several eligible persons in a class entitled to letters, the
22 court or register may grant letters to one of them, or to more than one of them, as
23 necessary or convenient for the proper administration of the estate. However, subject
24 to § 5-105 of this subtitle, all personal representatives named in the will are entitled
25 to probate.

26 (b) Within classes (2) through (9) of § 5-104, letters may be granted to two or
27 more persons in different classes provided that the person or class first entitled to
28 letters consents.]

1 5-106.

2 (A) SUBJECT TO § 5-105 OF THIS SUBTITLE, ALL PERSONAL REPRESENTATIVES
3 NAMED IN THE WILL ARE ENTITLED TO PROBATE.

4 (B) (1) WHEN THERE ARE SEVERAL ELIGIBLE PERSONS IN A CLASS
5 ENTITLED TO LETTERS, THE COURT OR REGISTER MAY GRANT LETTERS TO ONE OF
6 THEM, OR TO MORE THAN ONE OF THEM, AS NECESSARY OR CONVENIENT FOR THE
7 PROPER ADMINISTRATION OF THE ESTATE.

8 (2) WITHIN CLASSES (2) THROUGH (9) OF § 5-104 OF THIS SUBTITLE,
9 LETTERS MAY BE GRANTED TO TWO OR MORE PERSONS IN DIFFERENT CLASSES
10 PROVIDED THAT THE PERSON OR CLASS FIRST ENTITLED TO LETTERS CONSENTS.

11 (3) IN GRANTING LETTERS TO PERSONS ENTITLED TO APPOINTMENT
12 UNDER § 5-104 (2) THROUGH (11) OF THIS SUBTITLE, FOR GOOD CAUSE, THE COURT
13 MAY PASS OVER A PERSON OR PERSONS WITH PRIORITY OR EQUAL PRIORITY IN
14 FAVOR OF A PERSON OR PERSONS WITH EQUAL PRIORITY, LESSER PRIORITY, OR NO
15 PRIORITY.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed only prospectively and may not be applied or interpreted to apply to a death
18 of a decedent that occurs before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2003.